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DATE MAILED: 01/28/2004

PPLICATION NO	. FILIN	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/645,706	08/2	1/2003	Mark A. Solberg	2507-5836.1US (21851-US-0	8474
24247	7590	01/28/2004		EXAMINER	
TRASK E P.O. BOX				THOMSON, M	IICHELLE R
SALT LAKE CITY, UT 84110		84110		ART UNIT	PAPER NUMBER
	•			3641	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Continue   Continue									
Examin r   Art Unit   3641		pplication No.	Applicant(s)						
Michelle (Shalley) Thomson  3641	<i>(</i>	10/645,706	SOLBERG ET AL.						
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  E thereiose of the map be available useful the provision of 3° CFR 1.73(e). In no event, however, may a reply se timely filed  E the period for reply appelled above is less than thirty (30) days a reply within the statutory micrium of thirty (30) days will be considered timely.  # If the period for reply appelled above is less than thirty (30) days a reply within the attainable princin will apply and we deprie Sto( MONTH's form the mailing date of this communication.  ## Part of the period for reply application is the state of the stat	Office Action Summary	Examin r	Art Unit						
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THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of office may be available under the provisions of 37 CPR 1.13(e). In no event, however, may a raply be timely filed after St. (i) MAINTHS from the mailing date of this communication.  - Pallure for St. (i) MAINTHS from the mailing date of this communication.  - Pallure for reply is pacified above, the maintent advanced and a special content of the provision									
1) Responsive to communication(s) filed on 21 August 2003.  2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.  3] ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)									

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, drawn to a rocket motor, classified in class 102, subclass 381.
  - II. Claims 18-32, drawn to a method of rupturing a case, classified in class 102, subclass 282.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed could be practiced with a materially different product such as one that does not require an igniter such as one in which the propellant and insensitive munitions charge react chemically together to increase the pressure in the case.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made on 1/23/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

mrt

Mayon